

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

COURTNEY DOWELL,)
)
)
Plaintiff,)
)
)
v.)
) Case No. CIV-18-108-D
COX OKLAHOMA TELECOM,)
LLC)
)
)
Defendant.)

DEFENDANT'S NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1331, 1441, 1446, in addition to Local Rule 81.2, Defendant Cox Oklahoma Telecom, LLC (“Defendant”) hereby files this Notice of Removal and states as follows:

1. On January 10, 2018, Plaintiff Courtney Dowell (“Plaintiff”) filed a Petition in the District Court of Oklahoma County, State of Oklahoma, captioned as *Courtney Dowell v. Cox Oklahoma Telecom, LLC*, Case No. CJ-2018-208. In her Petition, Plaintiff asserts a claim of disability discrimination under the Americans With Disabilities Act, as amended, 42 U.S.C. § 12101 *et seq.*, and claims for violation of the Family Medical Leave Act (“FMLA”), Title VII of the Civil Rights Act of 1964 (“Title VII”), and the Fair Labor Standards Act (“FLSA”). Aside from Plaintiff’s service of the Petition, there have been no further state court proceedings in this action.

2. This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1331 because Plaintiff’s Petition raises federal questions under the ADAAA, 42 U.S.C. §

12101 *et seq.*, Title VII, 42 U.S.C. § 2000e *et seq.*, and 29 U.S.C. § 2601 *et seq.*, all federal statutes. As such, removal of the action to this Court is appropriate pursuant to 28 U.S.C. § 1441(a).

3. Venue is proper in this district pursuant to 28 U.S.C. § 1441(a) because the state court where the suit is pending is located in this district.

4. Defendant was served with Plaintiff's Petition on January 16, 2018. Defendant has timely removed this action pursuant to 28 U.S.C. § 1446(b)(1) because Defendant filed its Notice of Removal within thirty (30) days after Defendant's receipt of Plaintiff's Petition.

5. Pursuant to Local Rule 3.1, Defendant files a completed civil cover sheet contemporaneously herewith. Additionally, in accordance with 28 U.S.C. § 1446(a) and Local Rule 81.2, Defendant attaches hereto true and correct copies of the following: the state court docket sheet (Exhibit 1) and a copy of all process, pleadings, and orders served upon Defendant in the state court action (Exhibits 2 through 4).

6. In accordance with 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being filed with the clerk of the District Court of Oklahoma County, State of Oklahoma, and is being served on all adverse parties.

7. Plaintiff demanded a jury in the state court proceeding.

WHEREFORE, Defendant respectfully requests that the above entitled action be removed to this Court from the District Court of Oklahoma County, that this Court accept full jurisdiction over this action, and that this action be entered on the docket of this

Court for further proceedings as though it had originally been instituted in this Court.

Date: February 2, 2018

Respectfully submitted,

/s/ Lauren Barghols Hanna

**McAfee & Taft
A Professional Corporation**
Lauren Barghols Hanna
OBA No. 21594
10th Floor, Two Leadership Square
211 N. Robinson
Oklahoma City, Oklahoma 73102
Tel: 405-235-9621
Fax: 405-235-0439
lauren.hanna@mcafeetaft.com

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

This is to certify that on February 2, 2018, a true and correct copy of the foregoing document has been served upon all counsel of record via the Court's ECF filing system, as follows:

D. Colby Addison
LAIRD HAMMONS LAIRD, PLLC
1332 SW 89th Street
Oklahoma City, OK 73159
Telephone: 405.703.4567
Facsimile: 405.703.4067
Email: Colby@lhllaw.com

ATTORNEYS FOR PLAINTIFF

/s/ Lauren Barghols Hanna